

CASE

NUMBER:

99-5000

INDEX FOR CASE: 1999-500
GTE SOUTH, INC.
Interconnection Agreements
ADOPTION LETTER WITH HTR&L ENTERPRISES d/b/a CLASSIC TELEPHONE

IN THE MATTER OF 252(i) ADOPTION LETTER BETWEEN GTE SOUTH
INCORPORATED AND HTR&L ENTERPRISES INC., D/B/A CLASSIC
TELEPHONE CO.

SEQ NBR	ENTRY DATE	REMARKS
0001	12/08/1999	Adoption letter requesting to adopt resale agreement in 99-406.
0002	12/15/1999	Acknowledgement letter.
0003	01/05/2000	FINAL ORDER APPROVING NEGOTIATED AGREEMENT



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-500
GTE SOUTH, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on January 5, 2000.

Parties of Record:

Larry D. Callison
State Manager-Regulatory Affairs
GTE South, Inc.
150 Rojay Drive
Lexington, KY. 40503

Ronnie Smith
Supervisor
HTR&L Enterprises, Inc.
dba Classic Telephone Company, Inc.
1919 North Ashley Street
P. O. Box 2151
Valdosta, GA. 31602

Stephanie D. Bell

Secretary of the Commission

SB/sa
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF AN AGREEMENT)
BETWEEN GTE SOUTH INCORPORATED AND) CASE NO. 99-500
HTR&L ENTERPRISES INC. D/B/A CLASSIC)
TELEPHONE CO. PURSUANT TO 47 U.S.C. 252(i))

O R D E R

On December 8, 1999, GTE South Incorporated ("GTE") and HTR&L Enterprises Inc. d/b/a Classic Telephone Co. ("HTR&L") submitted to the Commission their negotiated resale agreement. HTR&L is purporting to adopt the resale agreement between GTE and Now Communications, Inc. ("NCI"), which was approved by the Commission in Case No. 99-406.¹ The adoption letter, which appears to comprise the only document memorializing the parties' principal agreement, was negotiated pursuant to the Telecommunications Act of 1996 ("1996 Act"), 47 U.S.C. Sections 251 and 252. Section 252(e) of the 1996 Act requires the parties to an interconnection agreement adopted by negotiation to submit the agreement for approval to the Commission.

The Commission has reviewed the agreement and finds that no portion thereof discriminates against a telecommunications carrier not a party to the agreement. The Commission also finds that the implementation of the agreement is consistent with the public interest, convenience, and necessity.

¹ Case No. 99-406, Approval of the Resale Agreement Negotiated by GTE South Incorporated and Now Communications, Inc. Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996. (Order dated October 19, 1999).

HTR&L must comply with all relevant Commission mandates for serving in this Commonwealth.

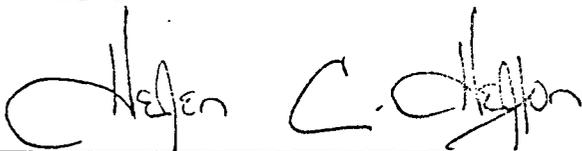
The Commission, having been otherwise sufficiently advised, HEREBY ORDERS that:

1. This agreement negotiated between GTE and HTR&L is approved.
2. HTR&L shall file a tariff for local service prior to providing local service giving 30 days' notice to the Commission and shall comply with all Commission regulations and orders as directed.

Done at Frankfort, Kentucky, this 5th day of January, 2000.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

December 15, 1999

Larry D. Callison
State Manager-Regulatory Affairs
GTE South, Inc.
150 Rojay Drive
Lexington, KY. 40503

Ronnie Smith
Supervisor
HTR&L Enterprises, Inc.
dba Classic Telephone Company, Inc.
1919 North Ashley Street
P. O. Box 2151
Valdosta, GA. 31602

RE: Case No. 1999-500
GTE SOUTH, INC.

(Interconnection Agreements) ADOPTION LETTER WITH HTR&L ENTERPRISES

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received December 8, 1999 and has been assigned Case No. 1999-500. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

Stephanie Bell
Secretary of the Commission

SB/sh

Larry D. Callison
State Manager
Regulatory Affairs & Tariffs



**GTE Service
Corporation**

KY10H072
150 Rojay Drive
Lexington, KY 40503
606 245-1389
Fax: 606 245-1721

December 8, 1999

Ms. Helen Helton
Executive Director
Public Service Commission
730 Schenkel Lane
Post Office Box 615
Frankfort, Kentucky 40602

RECEIVED

DEC 08 1999

PUBLIC SERVICE
COMMISSION

Case No. 99-500

RE: 252(i) Adoption Letter Between GTE South Incorporated and
HTR&L enterprises Inc., d/b/a Classic Telephone Co.

Dear Ms. Helton:

Enclosed for joint filing by the parties with the Kentucky Public Service Commission (Commission) are six copies of an executed 252(i) Adoption Letter recently executed between GTE South Incorporated and HTR&L enterprises Inc., d/b/a Classic Telephone Co.

HTR&L enterprises Inc., d/b/a Classic Telephone Co. wishes to adopt the terms of the Resale Agreement between NOW Communications, Inc. ("NOW") and GTE that was approved by the Commission as an effective agreement in Case No. 99-406, effective October 19, 1999.

This Adoption Letter is being provided to the Commission for its review and approval.

Please bring this filing to the attention of the Commission, and if there are any questions, please contact me at your convenience.

Yours truly,

Larry D. Callison

Enclosures

c: Mr. Ronnie Smith - HTR&L enterprises Inc., d/b/a Classic Telephone Co.

Connie Nicholas
Assistant Vice President
Wholesale Markets-Interconnection



GTE Network
Services

HQE03B28
600 Hidden Ridge
P.O. Box 15209
Irving, TX 75038
972/718-4586
FAX 972/719-1523

RECEIVED
DEC 08 1999
PUBLIC SERVICE
COMMISSION

November 26, 1999

Ronnie Smith, Supervisor
HTR&L Enterprises, Inc.
1919 North Ashley Street
Valdosta, GA 31602

Dear Mr. Smith:

GTE has received your letter stating that, under Section 252(i) of the Telecommunications Act of 1996, HTR & L Enterprises Inc., d/b/a Classic Telephone Co. ("CLASSIC") wishes to adopt the terms of the Resale Agreement between NOW Communications, Inc. ("NOW") and GTE that was approved by the Commission as an effective agreement in the State of Kentucky in Case No. 99-406 (Terms).¹ I understand you have a copy of the Terms.

CLASSIC's adoption of the NOW Terms shall become effective upon filing of this letter with the Kentucky Public Service Commission and remain in effect no longer than the date the NOW Terms are terminated. The NOW Terms are currently scheduled to expire on October 18, 2001.

As these Terms are being adopted by you pursuant to your statutory rights under section 252(i), GTE does not provide the Terms to you as either a voluntary or negotiated agreement. The filing and performance by GTE of the Terms does not in any way constitute a waiver by GTE of the Terms nor does not in any way constitute a waiver by GTE of any claim it may have with respect to the 252(i) process, nor does it constitute a waiver of GTE's right to seek review of any Terms that are interpreted contrary to the law.

¹ * These "agreements" are not agreements in the generally accepted understanding of that term. GTE was required to accept these agreements, which were required to reflect the then-effective FCC rules.

Ronnie Smith
November 26, 1999
Page 2

GTE contends that certain provisions of the Terms may be void or unenforceable as a result of the United States Eighth Circuit Court of Appeals July and October, 1997 decisions, the Supreme Court of the United States' decision of January 25, 1999 and the remand of the pricing rules to the United States Eighth Circuit Court of Appeals.

Should CLASSIC attempt to apply such conflicting provisions, GTE reserves its rights to seek appropriate legal and/or equitable relief. Should any provision of the Terms be modified, such modification would likewise automatically apply to this 252(i) adoption.

Please indicate by your countersignature on this letter your understanding of and commitment to the following three points:

- (A) CLASSIC adopts the Terms of the NOW agreement for Resale with GTE and in applying the Terms, agrees that CLASSIC be substituted in place of NOW in the Terms wherever appropriate.
- (B) CLASSIC requests that notice to CLASSIC as may be required under the Terms shall be provided as follows:

To : HTR & L Enterprises Inc., d/b/a Classic Telephone Co.
Attention: Ronnie Smith, Supervisor
1919 North Ashley Street
Valdosta, GA 31602
Telephone number: 888/812-9042
FAX number: 800/439-1290

- (C) CLASSIC represents and warrants that it is a certified provider of local dialtone service in the State of Kentucky, and that its adoption of the Terms will cover services in the State of Kentucky only.

Sincerely,

GTE South Incorporated



Connie Nicholas
Assistant Vice President
Wholesale Markets-Interconnection

APPROVED BY LEGAL DEPT.	
T&P	12-2-99
ATTORNEY	DATE

Ronnie Smith
November 26, 1999
Page 3

Reviewed and countersigned as to points A, B, and C:

HTR & L Enterprises Inc., d/b/a Classic Telephone Co.

 J. H. Funderburk, CEO

For HTR & L Enterprises Inc., d/b/a Classic Telephone Co.

- c: R. Bates – NC999142 – Durham, NC
D. Dye - HQE03B73 - Irving, TX
A. Lowery – NC999142 – Durham, NC

CASE

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99-500

missing At Time of filming